

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by  
5 changing Section 5-114 as follows:

6 (40 ILCS 5/5-114) (from Ch. 108 1/2, par. 5-114)

7 Sec. 5-114. Salary. "Salary":

8 (a) Annual salary, provided that \$2,600 shall be the  
9 maximum amount of salary to be considered for any purpose  
10 under this Act prior to July 1, 1927.

11 (b) Annual salary, provided that \$3,000 shall be the  
12 maximum amount of salary to be considered for any purpose  
13 under this Act from July 1, 1927 to July 1, 1931.

14 (c) Annual salary, provided that the annual salary shall  
15 be considered for age and service annuity, minimum annuity  
16 and disability benefits and \$3,000 shall be the maximum  
17 amount of salary to be considered for prior service annuity,  
18 widow's annuity, widow's prior service annuity and child's  
19 annuity from July 1, 1931 to July 1, 1933.

20 (d) Beginning July 1, 1933, annual salary of a policeman  
21 appropriated for members of his rank or grade in the city's  
22 annual budget or appropriation bill, subject to the  
23 following:

24 (1) For age and service annuity, minimum annuity  
25 and disability benefits, the amount of annual salary  
26 without limitation.

27 (2) For prior service annuity, widow's annuity,  
28 widow's prior service annuity and child's annuity from  
29 July 1, 1933 to July 1, 1957, the amount of annual salary  
30 up to a maximum of \$3,000; beginning July 1, 1957, for  
31 such annuities, the amount of annual salary without

1 limitation.

2 (3) When the salary appropriated is for a definite  
3 period of service of less than 12 months in any one year,  
4 disability benefits shall be computed on a daily wage  
5 basis computed by dividing the amount appropriated by  
6 365.

7 (e) For a policeman assigned to a non-civil service  
8 position as provided in Section 5-174 from and after January  
9 1, 1970, (with the hereinafter stated excess not considered  
10 as salary for any purpose of this Article for any of the  
11 years prior to 1970 except to the extent provided by the  
12 election in Section 5-174), annual salary means the total  
13 salary derived from appropriations applicable to the civil  
14 service rank plus the excess over such amount paid for  
15 service in the non-civil service position.

16 (f) Beginning January 1, 1998, the salary of a  
17 policeman, as calculated under subsection (d), shall include  
18 any duty availability allowance received by the policeman.

19 An active or former policeman who (1) either retired  
20 between July 1, 1994 and December 31, 1997, both inclusive,  
21 or attained or will attain age 50 and 20 years of service  
22 between July 1, 1994 and January 1, 2002, both inclusive, and  
23 (2) received a duty availability allowance at any time after  
24 June 30, 1994 and before January 1, 1998 may elect to have  
25 that duty availability allowance included in the calculation  
26 of his or her salary under subsection (d) for all or any  
27 portion of that period for which the allowance was received,  
28 by applying in writing and paying to the Fund, no earlier  
29 than January 1, 1998 and no later than July 1, 1998, the  
30 corresponding employee contribution, without interest.  
31 Thereafter the City shall make its corresponding  
32 contribution, without interest.

33 This subsection (f) applies without regard to whether the  
34 applicant terminated service or began to receive a retirement

1 annuity before the effective date of this amendatory Act of  
2 1997. In the case of a person who is receiving a retirement  
3 annuity at the time the application and contribution are  
4 received by the Fund, the annuity shall be recalculated and  
5 the resulting increase shall become payable on the next  
6 annuity payment date following the date the contribution is  
7 received by the Fund.

8 (g) Beginning January 1, 2003, the salary of a  
9 policeman, as calculated under subsection (d), shall include  
10 any overtime pay received by the policeman.

11 (Source: P.A. 90-551, eff. 12-12-97.)

12 Section 90. The State Mandates Act is amended by adding  
13 Section 8.26 as follows:

14 (30 ILCS 805/8.26 new)

15 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6  
16 and 8 of this Act, no reimbursement by the State is required  
17 for the implementation of any mandate created by this  
18 amendatory Act of the 92nd General Assembly.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.